

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION**

|                       |   |                                   |
|-----------------------|---|-----------------------------------|
| <b>AMY BUMBARGER,</b> | ) |                                   |
|                       | ) |                                   |
| <b>Plaintiff,</b>     | ) |                                   |
|                       | ) |                                   |
| <b>v.</b>             | ) | <b>CASE NO. 2:15-cv-00993-TFM</b> |
|                       | ) |                                   |
| <b>COMENITY BANK,</b> | ) |                                   |
|                       | ) |                                   |
| <b>Defendant.</b>     | ) |                                   |

**STIPULATION AND AGREED ORDER**

This matter comes before the Court pursuant to an agreement by the parties. Plaintiff Amy Bumbarger (“Plaintiff”) and Defendant Comenity Bank (“Comenity”), by and through their undersigned counsel, have agreed to enter into binding arbitration of Plaintiff’s claims against Comenity. The parties request this Court grant the Motion to Compel Arbitration and to Dismiss Plaintiff’s Claims for the reasons set forth in Comenity’s motion (ECF No. 14).

Upon review of the docket and other good cause shown, the Court finds the parties’ request to be appropriate and well-taken. Therefore, this Court **ORDERS** that:

The Motion to Compel Arbitration and to Dismiss Plaintiff’s Claims is **GRANTED**. Plaintiff Amy Bumbarger and Comenity are **ORDERED** to submit their dispute to arbitration pursuant to the parties’ written agreement to arbitrate. Plaintiff’s claims against Comenity are hereby **DISMISSED** without prejudice to her ability to pursue her claims in arbitration.

**IT IS SO ORDERED** this 12th day of November, 2015.

\_\_\_\_s/ Terrence F. McVerry\_\_\_\_\_  
HON. TERRENCE F. MCVERRY

APPROVED:

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| <u>/s/ Craig T. Kimmel</u><br>Craig T. Kimmel<br>Kimmel & Silverman, P.C.<br>30 East Butler Pike<br>Ambler, PA 19002<br>kimmel@creditlaw.com<br><br>Attorneys for Plaintiff | <u>/s/ Zachary D. Miller</u><br>Zachary D. Miller ( <i>admitted pro hac vice</i> )<br>(TN BAR # 032674)<br>J. Christopher Suedekum ( <i>admitted pro hac vice</i> )<br>(VA BAR # 80984)<br>Burr & Forman LLP<br>511 Union Street, Suite 2300<br>Nashville, Tennessee 37219<br>Telephone: (615) 724-3216<br>Facsimile: (615) 724-3316<br>zmiller@burr.com<br>csuedekum@burr.com<br><br>Attorneys for Defendant<br>COMENITY BANK |
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